

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COLUMBIA RIVERKEEPER,

Plaintiff,

V.

HAMBLETON BROS. LUMBER CO., INC.,
d/b/a HAMBLETON BROS. LOG YARD;
HAMBLETON LUMBER CO., LLC, d/b/a
HAMBLETON BROS. LOG YARD.

Defendants.

Case No. 09-5427RJB

**ORDER RE PLAINTIFF'S
REQUEST FOR STATUS
CONFERENCE**

This matter comes before the Court on Plaintiff's Request for Status Conference (Dkt. #).

30). The Court has considered the filings and the relevant documents.

This case involves violations of the Clean Water Act by Defendants and violations of Defendants' National Pollutant Discharge Elimination System ("NPDES") permit. Dkt. 1. On May 12, 2010, the Court issued an Order granting withdrawal of counsel for Hambleton Lumber Company due to a conflict of interest between the two Defendants. Dkt. 24. The Court reminded Defendant Hambleton Lumber Co. that if it did not retain counsel in a reasonable amount of time that entry of default may occur. Dkt. 24, p. 2.

On June 23, 2010, Plaintiff filed a request for a status conference to inform the Court of

1 the status of the case and to discuss the representation of Hambleton Lumber Co. by counsel.
2 Dkt. 30, p. 1. Plaintiff explains that it has served Hambleton Lumber Co. with several discovery
3 requests, but has not received any responses. Dkt. 30, p. 3. Plaintiff states that, upon
4 information and belief, Hambleton Lumber Co. is in the process of vacating the property that is
5 the subject of this lawsuit and may soon be dissolved as a company. *Id.* Plaintiff requests a
6 status conference to discuss the status of the case, trial and pre-trial dates, and the representation
7 of Hambleton Lumber Co. by counsel in this litigation. *Id.*

8 The Court believes that a status conference is not required in this situation. Local Rule
9 GR 2(g)(4)(B) states:

10 A business entity, except a sole proprietorship, must be represented by counsel. If
11 the attorney for a business entity, except a sole proprietorship, is seeking to
12 withdraw, the attorney shall certify to the court that he or she has advised the
13 business entity that it is required by law to be represented by an attorney admitted
14 to practice before this court and that failure to obtain a replacement attorney by
15 the date the withdrawal is effective may result in the dismissal of the business
16 entity's claims for failure to prosecute and/or entry of default against the business
17 entity as to any claims of other parties.

18 Local Rule GR 3(d) provides that a party who without just cause fails to comply with any of the
19 Federal Rules of Civil Procedure, or these rules, or orders of the court... . may, in addition to,
20 or in lieu of the sanctions and penalties provided elsewhere in these rules, be required by the
21 court to satisfy personally such excess costs, and may be subject to such other sanctions as the
22 court may deem appropriate.

23 Defendant Hambleton Lumber Co. was notified by the Court and by Defendant's
24 previous counsel that it is required to be represented by counsel in this litigation. *See* Dkt. 24.
The Court gave reasonable time for Defendant Hambleton Lumber Co. to find counsel. As of the
date of this order, the Defendant has not acquired counsel. The lack of counsel is preventing
Plaintiff from moving forward and is delaying this litigation. Defendant Hambleton Lumber Co.

is reminded once again that it must retain counsel in accordance with the Local Rules and this Court's Order. Defendant Hambleton Lumber Co. is given until July 12, 2010 to find counsel and have that person make an appearance in accordance with the Local Rules. Failure to make an appearance may result in an entry of default against Defendant Hambleton Lumber Co. and other sanctions that this Court deems appropriate.

The Court does hereby find and **ORDER**:

- (1) Plaintiff's Request for Status Conference (Dkt. 30) is **DENIED**;
 - (2) Defendant Hambleton Lumber Co. is directed to have counsel make an appearance on or before July 12, 2010; and
 - (3) The Clerk is directed to send copies of this Order to all counsel of record and to Defendant Hambleton Lumber Co., LLC at its last known address.

DATED this 28th day of June, 2010.

Robert J. Bryan

ROBERT J. BRYAN
United States District Judge